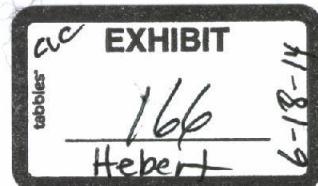

From: Jonathan Stinson
Sent: Monday, January 24, 2011 5:22 PM
To: Wroe Jackson
Subject: FW: FYI ID Q&A
Attachments: SB 14 Possible Amendments - BDH revisions.docx; SB 14 QA - BDH revisions.docx

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From: Bryan Hebert
Sent: Monday, January 24, 2011 5:18 PM
To: Amanda Montagne; Ryan LaRue_SC; Jonathan Stinson
Subject: FYI ID Q&A

Attached are Janice's notes on questions and amendments that are likely to arise tomorrow (my suggested revisions are in red).

Bryan Hebert
Deputy General Counsel
Office of the Lieutenant Governor
512-463-0001



Possible Amendments

VOTE BY AFFIDAVIT (West)

Anyone could forge a signature, vote, and leave undetected. There is no way to trace the forgery back to the person. It basically guts the bill and assumes that criminal penalties are a sufficient deterrent to voter fraud.

ADD Additional FORM of PIIOTO ID (West)

Policy decision, but remember in order to get most government work-related IDs, you need to show a passport or DL when filling out your employment/enrollment paperwork

RESTORE NON-PHOTO ID (West)

I believe that requiring photo ID is the best way to deter and detect voter fraud and protect public confidence in our elections. Not necessary. A Photo ID law is simpler and easier for both voters and election workers and has been proven to work in several other states.

LOWER ELDERLY THRESHOLD (West)

The 70 exemption is a reasonable compromise that lessens the burden for those voters who may not have access to a birth certificate and cannot get a photo ID to still vote. As a 61 year old, I do not believe that 50 year olds cannot get a Photo ID.

SAME DAY REGISTRATION (West & Ellis)

This bill is not the proper forum for a debate on that issue.

EARLY VOTE REGISTRATION (Ellis)

This bill is not the proper forum for a debate on that issue.

NEW PENALTIES FOR DECEPTIVE/DISENFRANCHISEMENT OF VOTERS (West & Ellis)

This bill is not the proper forum for a debate on that issue.

DESIGNATION of ELECTION DAY AS STATE HOLIDAY (Ellis)

This bill is not the proper forum for a debate on that issue.

ALLOW ALL REGISTERED VOTERS TO VOTE BY MAIL (Ellis)

This bill is not the proper forum for a debate on that issue.

TX_00265540

HIGHLY CONFIDENTIAL

What are you trying to accomplish with this bill?

This bill will protect the public's confidence in elections by deterring and detecting in-person voter fraud.

Why is this bill different from the bill you filed last session?

We have had two additional years to see Photo ID working in other states and two additional years to see that voter fraud is still a problem. Only a true photo ID bill can deter and detect fraud at the polls and can protect the public's confidence in elections. Plus, I believe that Photo ID is simpler and less confusing for the voters.

Why only four forms of ID?

It is less confusing and simpler for both voters and election workers. Everyone knows what these forms of ID look like.

Why doesn't this bill phase-in over two election cycles?

The bill would not take effect until January 2012, and the bill requires education efforts by the counties and the Secretary of State. Also, 86 percent of voters support this change in law. That tells me that voters do not need a phase-in in order to be compliant with the law. Plus, we do allow for a provisional ballot to be cast and counted so voters have two opportunities to get their ballot cast.

Why is there an exemption for the elderly?

This provision was added as a compromise to several of my Democrat colleagues who asked that the elderly be exempt from the law.

Does the elderly exemption provide for two classes of voters?

I believe that there is a legitimate state interest in exempting certain elderly voters from the requirements of Photo ID just like we allow certain classes of voters to vote by mail.

How do you know there is fraud occurring?

Under current law, we do not have the tools necessary to stop fraudulent in-person voter fraud. In fact, in-person voter fraud may not even be evident until AFTER the election has occurred. Also, we have heard from many witnesses over the last couple of sessions who have testified that voter impersonation, in which people's IDs or voter-registration cards have been stolen and false votes had been cast in those persons' names, is not uncommon.

Does this bill provide for free ID?

Yes. . . . let me turn over to *Senator Williams* to address ID issues.

Does this bill reduce minority turnout?

I think the bill will increase turnout among all voters. In fact in Georgia and Indiana, turnout was up in the election immediately following the implementation of Photo ID. I think *Senator Wentworth* has some information on those statistics and voter turnout studies.

Do we know the number of people on the voter registration roll that do not have a DL or SSN?

I will defer to the SOS and DPS representative to answer that question, but I am convinced that voters will have access to proper ID.

What is the impact on Voter ID on Hispanic/Black/poor?

I am convinced that voters will have access to proper ID. I can tell you that in Indiana - which has had voter ID for 3 election cycles - no individual voter has alleged that the Voter ID Law has prevented them from voting or inhibited their ability to vote in any way.

A survey of 2000 registered voters in Indiana, Maryland and Mississippi found that only 1.2 percent of total respondents lack government-issued photo identification (DL, passport, military ID). Fewer than three percent of the overall respondents could not produce documentation to prove their citizenship. Fewer than half a percent of those surveyed had neither photo ID nor citizenship documentation.

I think we will find similar results in Texas. That means 156,280 registered voters might not have ID, but only 78,140 registered voters have no ID and no citizenship papers. (*potentially confusing*)

How will the training/education program work?

Those decisions will be made by the SOS office. I think they are here as a resource witness.

TX_00265543

HIGHLY CONFIDENTIAL

From: Bryan Hebert
Sent: Monday, January 24, 2011 9:37 AM
To: Janice McCoy; Jonathan Stinson; Ryan LaRue_SC; Amanda Montagne
Subject: affidavit amendment

FYI - There will likely be an amendment offered tomorrow that proposes adding an option to allow a person to vote without a photo ID if the person signs an affidavit stating that they are who they say they are. Several states (LA, ID, MI, OK, SD) have this "fail-safe" option and the DOJ loves it. Indiana, however, does not have it, and the Supreme Court did not deem it necessary.

The argument against adding an affidavit exception is that anyone could forge a signature, vote, and leave undetected. There is no way to trace the forgery back to the person. It basically guts the bill and assumes that criminal penalties are a sufficient deterrent to voter fraud.

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TX_00079495

HIGHLY CONFIDENTIAL

From: Bryan Hebert
Sent: Monday, January 24, 2011 10:04 AM
To: Jason Baxter; Amanda Montagne; Ryan LaRue_SC
Subject: RE: Voter ID Talking Points & Analysis

Some of that is fine, but avoid talking about illegals and registration. We are not doing this to crack down on illegals, but to generally strengthen the security and integrity of the voting process. This is a bill about voting, not registering (though some mention of registration fraud is useful to show that fraud exists generally in the system).

Bryan Hebert
Deputy General Counsel
Office of the Lieutenant Governor
512-463-0001

From: Jason Baxter
Sent: Monday, January 24, 2011 10:00 AM
To: Amanda Montagne; Ryan LaRue_SC
Cc: Bryan Hebert
Subject: FW: Voter ID Talking Points & Analysis

FYI

From: Brent Connett [mailto:brent@txcc.org]
Sent: Monday, January 24, 2011 9:57 AM
To: brent@txcc.org
Cc: tom@txcc.org
Subject: Voter ID Talking Points & Analysis

Senators,

In advance of your Committee of the Whole Senate meeting today, please see the attached Talking Points & Analysis document on election integrity. The piece recommends:

The Legislature must secure the integrity of elections by verifying the citizenship of those registering to vote, requiring a photo ID to vote, removing non-qualified voters from voter registration lists, and improving absentee ballot security.

In addition to providing recommendations and talking points, this paper provides background on successful voter identification laws in Georgia and Indiana.

Sincerely,

Brent Connett
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TX_00081510

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